

24-1936

---

IN THE  
**United States Court of Appeals**  
**FOR THE NINTH CIRCUIT**

---

MR. DAVID ANTHONY STEBBINS,

*Plaintiff-Appellant,*

—v.—

GOOGLE LLC,

*Defendant-Appellee.*

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
NO. 3:23-CV-00322-TLT, HON. TRINA L. THOMPSON

---

**DEFENDANT-APPELLEE'S SUPPLEMENTAL EXCERPTS OF RECORD  
INDEX VOLUME**

---

JEREMY P. AUSTER  
WILSON SONSINI GOODRICH  
& ROSATI, P.C.  
1301 Avenue of the Americas,  
40th Floor  
New York, New York 10019  
(212) 999-5800  
jauster@wsgr.com

JULIA HU  
WILSON SONSINI GOODRICH  
& ROSATI, P.C.  
953 East Third Street, Suite 100  
Los Angeles, California 90013  
(323) 210-2900  
julia.hu@wsgr.com

*Attorneys for Defendant-Appellee*

---

**INDEX**

<b>Document</b>	<b>File Date</b>	<b>USDC Dkt. No.</b>	<b>SER No.</b>
<b>VOLUME 1 of 3</b>			
Order Denying Plaintiff's Motion to Set Aside Judgment and Motion to Reconsider	03/27/24	87	2–6
Order to Show Cause	09/13/23	75	7–8
Order Granting Google's Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	08/31/23	71	9–26
<b>VOLUME 2 of 3</b>			
Plaintiff's Supplement to Response to Order to Show Cause	09/24/23	82	28–32
Plaintiff's Reply in Support of Motion to Set Aside Judgment	09/17/23	81	33–37
Exhibit A to Reply – Email Correspondence between Jeremy Auster and David Stebbins	09/17/23	81-1	38–40
Plaintiff's Motion for Leave to File Motion for Reconsideration	09/17/23	80	41–42
Letter from Ryan Benjamin to the Honorable Trina L. Thompson	09/15/23	79	43–44
Exhibit A to Letter – Wilson Sonsini Invoice	09/15/23	79-1	45–46
Exhibit B to Letter – Screen Capture of Mr. Stebbins Video	09/15/23	79-2	47–48

Google's Opposition to Plaintiff's Motion to Vacate Judgment	09/15/23	78	49–50
Plaintiff's Response to Order to Show Cause	09/14/23	76	51–58
Exhibit B to Response – Email Correspondence between Jeremy Auster and David Stebbins	09/14/23	76-2	59
Exhibit C to Response – Email Correspondence between Jeremy Auster and David Stebbins	09/14/23	76-3	60
Affidavit of David Stebbins	09/14/23	76-4	61
Letter from Ryan Benyamin to the Honorable Trina L. Thompson	09/07/23	74	62–63
Plaintiff's Motion to Vacate Judgment	09/01/23	73	64–78
Plaintiff's Reply in Support of Motion for Leave to File Amended Complaint	08/06/23	69	79–84
Google's Opposition to Motion for Leave to File Amended Complaint	07/31/23	68	85–88
Plaintiff's Reply in Support of Plaintiff's Motion for Summary Judgment	07/21/23	64	89–97
Exhibit A to Plaintiff's Reply – Email Correspondence between Jeremy Auster and David Stebbins	07/21/23	64-1	98
Exhibit B to Plaintiff's Reply – Screen Capture of Video	07/21/23	64-2	99–104
Google's Opposition to Motion for Partial Summary Judgment	07/18/23	62	105–114

Plaintiff's Motion for Leave to File Amended Complaint	07/17/23	61	115–117
Plaintiff's Proposed First Amended Complaint	07/17/23	61-1	118–147
Exhibit to Proposed First Amended Complaint – Report on the Filing or Determination of an Action or Appeal Regarding a Copyright	07/17/23	61-2	148
Proposed Order Granting Motion for Leave to File Amended Complaint	07/17/23	61-3	149
Plaintiff's Notice of Submitted Matters	07/13/23	60	150
Order Denying Plaintiff's Motion for Leave to Appear Remotely and Taking Motions Under Submission	06/09/23	58	151–152
Order Denying Plaintiff's Motion for Recusal	06/09/23	57	153–155
Plaintiff's Request to Take Motions Under Submission and Motion for Leave to Appear Remotely	06/06/23	55	156
Order Denying Plaintiff's Motion for Protective Order	06/06/23	54	157–159
Order Granting Google's Motion to Adjust Briefing Schedule for Motion for Summary Judgment	04/12/23	52	160–161
<b>VOLUME 3 of 3</b>			
Plaintiff's Motion for Partial Summary Judgment	04/03/23	49	163–168
Google's Response to Statement of Recent Decision	03/30/23	44	169–171
Plaintiff's Statement of Recent Decision	03/29/23	42	172

Exhibit A to Plaintiff's Statement – Order in <i>Stebbins v. Rebolo</i> , Case No. 22-cv-546-JSW (N.D. Cal. Mar. 28, 2023)	03/29/23	42-1	173–176
Google's Reply in Support of Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/27/23	41	177–195
Plaintiff's Reply in Support of Motion to Strike Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/22/23	40	196–199
Google's Opposition to Motion to Strike Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/16/23	38	200–205
Plaintiff's Opposition to Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/16/23	36	206–233
Exhibit A to Opposition – University of California Checklist for Fair Use Form	03/16/23	36-1	234–235
Exhibit B to Opposition – Photographs	03/16/23	36-2	236–237
Exhibit C to Opposition – Email Correspondence between Roy Miller and David Stebbins	03/16/23	36-3	238–240
Exhibit D to Opposition – Email Correspondence between David Stebbins and Unknown Person	03/16/23	36-4	241–243
Order Denying Plaintiff's Motion for Extension of Time to Respond to Motion to Dismiss	03/08/23	35	244
Plaintiff's Motion for Extension of Time to Respond to Google's Motion to Dismiss	03/07/23	34	245
Exhibit A to Plaintiff's Motion – Email Chain between Jason Mollick, Robert McNamee and David Stebbins	03/07/23	34-1	246–248
Exhibit B to Plaintiff's Motion – Proposed Order Granting Extension of Time	03/07/23	34-2	249

Plaintiff's Motion to Strike Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/07/23	32	250–255
Google's Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/06/23	31	256–287
Declaration of Jason Mollick in Support of Google's Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/06/23	31-1	288–291
Exhibit A to Declaration of Jason Mollick – Image of Acerthorn The True Acerthorn Channel	03/06/23	31-2	292–293
Declaration of Neha Reddy in Support of Google's Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/06/23	31-3	294–295
Exhibit A to Declaration of Neha Reddy – Acerthorn The True Acerthorn Channel Icon	03/06/23	31-4	296–297
Exhibit B to Declaration of Neha Reddy – Banner Image from Acerthorn The True Acerthorn Channel	03/06/23	31-5	298–299
Proposed Order Granting Google's Motion to Dismiss and to Declare Plaintiff a Vexatious Litigant	03/06/23	31-6	300
Plaintiff's Reply in Support of Motion for a Protective Order	02/27/23	29	301–306
Google's Opposition to <i>Ex Parte</i> Motion for Protective Order	02/27/23	18	307–310
Plaintiff's <i>Ex Parte</i> Motion for Protective Order	02/10/23	11	311–316
Order Granting Plaintiff's Motion for Leave to Proceed <i>In Forma Pauperis</i>	01/24/23	6	317
Corrected Complaint	01/24/23	5	318–326

Plaintiff's Motion for Leave to Proceed <i>In Forma Pauperis</i>	01/20/23	2	328–329
Complaint	01/20/23	1	330–336
Plaintiff's Notice of Appeal	03/28/24	88	337–338
District Court Docket Entries	N/A	N/A	339–350